

KEARNEY MCWILLIAMS & DAVIS

ATTORNEYS AT LAW

Houston: 55 Waugh, Suite 150, Houston, TX 77007
Fort Worth: 777 Main, Suite 600, Fort Worth, TX 76102
San Antonio: 8626 Tesoro, Suite 816, San Antonio, TX 78217
Denver: 1625 Broadway, Suite 2950, Denver, CO 80202
Wyoming: 110 S. Gould St., 2nd Floor, Sheridan, WY 82801

Phone: (713) 201-0303
ejo@kmd.law

October 11, 2023

The New Faces of Pride Houston
Attn.: Lori Hood, registered agent
2900 N. Loop W., Ste. 500
Houston, TX 77092

via email: lhood@mayerllp.com;
bryancotton74@gmail.com
via USPS Priority to Registered Agent only

Re: CEASE AND DESIST

Dear The New Faces of Pride Houston:

We represent Pride Houston, Inc. and we are contacting you about usage of our client's registered trademarks, which are shown below for your convenience:

PRIDE HOUSTON CELEBRATION
QUEER ISH
HOUSTON LGBT PRIDE CELEBRATION
HOUSTON PRIDE FESTIVAL
HOUSTON PRIDE PARADE

PRIDE HOUSTON

Although no warning is necessary, we reach out to you as a courtesy to request that you cease and desist immediately from use of identical and/or similar marks likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association with our client, or as to the origin, sponsorship, or approval of your services with our client's. Over many years, our client has invested substantial time, energy, and resources in building these marks.

Undoubtedly and comparatively, our client is the senior user of the marks in the table that are associated with services your new organization is starting to offer or will in the future. To exemplify, and without limitation, your problematic uses include The New Faces of Pride Houston as well as Pride Houston and Houston Pride Parade + Festival. On your Facebook page, you even use #PrideHouston. We recognize an organization's fair desire to define itself and its goods/services, but your new organization unfairly leans on and uses my client's property.

As a result, your junior use is a serious matter which we wish to resolve amicably and quickly. To that end, we simply request that you immediately:

- (1) cease all use and plans to use marks that are identical or confusingly similar to our client's marks in the table; and
- (2) provide us with written confirmation, such as emailing me, of your compliance with (1) by Friday, October 20, 2022 at 6:00 p.m. Central Time.

Else, we understand that you have no intention to cease, and, instead, to reap where you have not sewn. As a result, we shall recommend to our client, who reserves the right to pursue any and all remedies, to proceed with action. Example causes of action may include: (1) trademark infringement; (2) trademark dilution; (3) passing off; (4) tortious interference with contracts; (5) tortious interference with business relationships; (6) injury to business reputation; (7) fraud; and (8) unfair competition and other torts. In addition to preliminary and permanent injunctive relief, awards of damages, exemplary damages, attorney fees, and court costs are possible, especially for intentional behavior. If suit is begun, then we shall not settle for anything less than a full accounting of damages, including exemplary damages, attorney fees, and costs. Satisfaction of any judgment upon suit, which will be in our favor, may come from the sale, lien, acquisition, garnishment, and/or other encumbrances of your personal assets and those in privity with your actions. Thus, please take this warning with great heed.

Please feel free to reach me on this matter. Thank you.

Very truly yours,

Erik J. Osterrieder

Erik J. Osterrieder